



STATE OF CONNECTICUT  
JUDICIAL BRANCH

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Testimony of the Judicial Branch  
Judiciary Committee Public Hearing  
March 23, 2016

H.B. 5641, An Act Concerning Provisional Pardons

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch regarding H.B. 5641, *An Act Concerning Provisional Pardons*. The Branch has concerns with this proposal.

Section 3 of the bill, groups "sealed" records together with "erased" records, and requires the Branch to treat them in the same manner. This would be problematic as numerous cases are statutorily sealed when a person applies for a pretrial diversionary program. Currently, such cases are sealed as to the public, but they are not treated the same as erased cases. Pursuant to statute, we can acknowledge that we have a "sealed" case, but cannot divulge details of the case. Under the bill as written, we would be prohibited from disclosing even the existence of approximately 30,000 pending cases that are in diversionary programs. These cases would have to be removed from the Judicial Branch website. They could not be displayed on court dockets, nor would they be available to victims or the attorneys for the defendant. We would have to close courtrooms in order to hear such matters, and we would be precluded from communicating about the case to the agency monitoring the defendant in the diversionary program. If the changes in this section are intended to apply only to cases sealed due to a provisional pardon, then we would ask that the language so specify.

Section 2 of the bill provides the court with authority to grant access to records of sealed provisional pardons to the prosecution and defense if the subject is being prosecuted for a different offense. However, as the bill treats a "sealed record" the same as an "erased" record, it would not be possible to know of the existence of the provisional pardon through the State Police Bureau of Identification, police department records or Judicial Branch records. As such, it is unclear how the prosecutor or defense attorney would be in a position to ask the court to grant access to such records.

Thank you for the opportunity to submit written testimony on this bill, and for your attention to this matter.